

Applicants: Fritz HÖSEL et al.  
Appl. No. 10/602,046

**REMARKS**

Applicants thank the Examiner for the careful consideration of this application. Claims 1-4, and 9-27 are currently pending. Independent claims 1, 14, and 27 have been amended, and claim 8 has been cancelled, without prejudice. Based on the foregoing amendments and the following remarks, the Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

**Official Notice Taken**

The Office Action appears to indicate in multiple places that Official Notice was taken of certain facts. The Applicants hereby traverse each instance where Official Notice was taken and demand that the Patent Office provide evidence establishing the facts for which Official Notice was taken.

**Rejections under 35 U.S.C. § 103**

Claims 1-4, 8, 9, and 11-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,130,559 (Leifeld) in view of German Patent No. DE 196 24 905 A (Lubenow) and further in view of U.S. Patent No. 5,499,794 (Aeppli). Claim 8 has been cancelled, without prejudice. Claims 1, 14, and 27 are the independent claims.

Claim 1 has been amended to recite that :

the opto-electronic system comprises two or more partial camera modules located side by side across the width of the fibre material, each partial camera module consisting essentially of an objective in combination with a sensor, the system further comprising remote camera components located remotely from said partial camera modules, *said remote camera components being common to each of the two or more partial camera modules* and comprising one or more components selected

from printed circuit boards, synchronizers, power supplies, and devices for reading individual pixels.

(Emphasis added.)

The claimed invention provides a compact arrangement that is capable of fitting in tight spaces in a textile machine, is simple in structure, and is relatively inexpensive. No combination of Leifeld, Lubenow, and Aeppli discloses or suggests the claimed invention.

On page 4 of the Office Action, the Examiner acknowledges that Leifeld fails to show partial camera modules consisting essentially of an objective in combination with a sensor. For disclosure of this claim element, the Examiner relies on Aeppli. Although Aeppli appears to disclose an objective 2 and a sensor 3, the reference is completely silent about any remote camera components – such as printed circuit boards, synchronizers, power supplies, and devices for reading individual pixels - that are located remotely from the objective 2 and sensor 3. In fact, Aeppli discloses at 4:33-39 that the devices shown in FIGS. 1 and 2 (e.g., objective 2, sensor 3, as well as the illuminating means 7, signal processor 8, etc.) are designed as a “compact measuring head,” indicating that the illuminating means 7, signal processor 8, and other disclosed components are all located in a compact space with the objective 2 and sensor 3 - not remotely from them, as claimed in the present invention.

Moreover, nowhere does Aeppli disclose or suggest remote camera components that are *common to each of the two or more partial camera modules*, as claimed. In addition, Leifeld and Lubenow fail to disclose or suggest remote camera components that are common to each of the two or more partial camera modules, as claimed. Therefore, no combination of Leifeld,

Lubenow, and Aeppli discloses or suggests the claimed invention.

Furthermore, there is no motivation or suggestion in the prior art to combine Leifeld, Lubenow, and Aeppli. Rather, the Applicants submit that the Examiner is using improper hindsight based on the Applicants' disclosure. For example, Leifeld relates to a complex method and apparatus for recognizing particle impurities in textile fibers by scanning the fiber with a sensor *and applying the measured values to an image processing device*. (See, Leifeld at 1:13-20 (emphasis added).) Aeppli relates to a simplified apparatus and process for detecting foreign substances in yarns, etc., in which the signal evaluation is restricted to a *simple* threshold detection, so that the hardware and software outlay are minimal, *compared to systems with image processing*. (See, Aeppli at 2:10-13.) Therefore, one of ordinary skill in the art would not combine the teachings of the complex system of Leifeld (which relies on image processing) with the simplified system of Aeppli (which seeks to avoid image processing). In fact, the Applicants submit that the Examiner is improperly picking and choosing elements from the cited references to reconstruct the Applicants' claimed invention.

For the above reasons, the Applicants submit that claim 1 is patentable over any combination of Leifeld, Lubenow, and Aeppli. Independent claims 14 and 27 have been amended in a similar manner to claim 1, and are patentable for at least the same reasons. Claims 2-4, 9, 11-13, and 15-26 depend variously from claims 1, 14, and 27, and are patentable for at least the same reasons as their respective independent claim.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Leifeld in

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view of Lubenow, and further in view of Aeppli, and further in view of U.S. Patent No. 5,533,145 (Shofner). Claim 10 depends from claim 1, which is patentable over any combination of Leifeld, Lubenow, and Aeppli. Shofner does not remedy the deficiencies of Leifeld, Lubenow, and Aeppli. Accordingly, claim 1, as well as its dependent claim 10, are patentable over any combination of these four references.

**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

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Steve Schwarz

Steven J. Schwarz  
Registration No. 47,070  
VENABLE LLP  
P.O. Box 34385  
Washington, DC 20043-9998  
Telephone: (202) 344-4000  
Direct Dial: (202) 344-4295  
Telefax: (202) 344-8300

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